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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/873,444	06/04/2001	Helmar-Steffen Gehrke	10191/1847	4385

7590

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New York, NY 10004

EXAMINER

NGUYEN, KIMNHUNG T

ART UNIT

PAPER NUMBER

2674

DATE MAILED: 05/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/873,444

Applicant(s)

GEHRKE ET AL.

Examiner

Kimnhung Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on Appeal Brief filed on 1/27/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. In view of the Appeal Brief filed on 1-27-05, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

2. This application has been examined. The claims 1-10 are pending. The examination results are as following.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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4. Claims 1, 5-7 are rejected under 35 U.S.C. 102(e) as being anticipated by Palalau et al. (US patent 6,373,472).

Regarding claim 1, Palalau et al. discloses in figure 1 that a method for allocating operating control functions (see driver control interface controls the values of features group switches in a vehicle, see figure 1) to operating communications controls of an electronic which is capable of executing functions of a plurality of electronic devices as switchable functions (see a plurality of features of group switches are located on a steering wheel, see abstract), the method comprising a predetermined number of operator controls (30, including 30a-30c) assigned to respective operating functions of each of the device (see figs 4-6, for example, where controls 30a and 30c are used to control various functions for various devices, volume, temperature, speed etc.); and selecting a device type (see switches 28) to be controlled by the operator controls among various device type (audio, climate, navigation...), the operating functions of the operator controls being changed corresponding to the selection.

Regarding claim 5, Palalau et al. discloses in figure 1 that the control system comprising a plurality of operator controls (30, including 30a, 30b, 30c) a switching application of the control system among various device types to be controlled, wherein operating functions for indicating the type of device to be controlled and corresponding operating function parameters.

Regarding claims 6-7, Palalau et al. discloses that the control system is an operating console at least partially integrated on to a steering wheel (see abstract, see figure 1, see groups of switches 28a-28f located on the steering wheel), and a selection switch for selecting a device type to be controlled.

5. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Totsuka et al. (US 5,457,448).

Totsuka et al. discloses in figures 1 and 4 that a method for allocating operating control functions (see remote control 10) to operating communications controls of an electronic which is capable of executing functions of a plurality of electronic devices as switchable functions (see switches 12), the method comprising a predetermined number of operator controls (control 10 can control various unit such as television, video tap recorder, see abstract) assigned to respective operating functions of each of the device; and selecting a device type to be controlled by the operator controls among various device type, the operating functions of the operator controls being changed corresponding to the selection (see abstract).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Palalau et al. (US 6,373,472).

Palalau et al. discloses every feature of the claimed invention, excluding the operator controls using the play symbol and include the type of a telephone, the electronic devices are devices in motor vehicle luxury feature electronic. Palalau et al. discloses in figs 9a-9c that the displays screen 32 having operator control using the play symbol (see group switches 100a-100f, see figure 9B) and include the type of a telephone (see figure 9C). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have by using the play symbol of group switches 100a-100f and include the type of a telephone into the operator control system of figs 4-6 of Palalau et al. because this would indicate the type of device and correspond to the operating function parameters. Therefore, the electronic devices are devices in motor vehicle luxury feature electronic.

8. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Palalau et al (US 6,373,472) in view of Trovato et al. (US 6,445,306).

Palalau et al. discloses that the display (22) is an alphanumeric display for displaying in text form the selected type of the device to be controlled (see figures 7-8). However, Palalau et al. does not disclose that the selection switch is a rotary control with a plurality of selection settings corresponding to a plurality of devices. Trovato et al. discloses in figure 1, and 2A-2C that a control is rotatable and to control functions of the devices (see rotary switch of selection 105, see col. 4, lines 14-28). It would have been obvious to one

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of ordinary skill in the art at the time the invention was made to implement the using of the rotary control as taught by Trovato et al. into the system of Palalau et al. because this would allow the user to provide the option of selecting a program from among the displayed program information directly, without the need for explicitly selecting a channel number.


*Correspondence*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimnhung Nguyen whose telephone number is (571) 272-7698. The examiner can normally be reached on MON-FRI, FROM 8:30 AM-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on (571) 272-7603. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kimnhung Nguyen  
May 12, 2005

  
**ALEXANDER EISEN**  
**PRIMARY EXAMINER**  
**TECHNOLOGY CENTER 2600**